

COUNTY OF SAN DIEGO  
STATEMENT OF PROCEEDINGS  
REGULAR MEETING OF BOARD OF SUPERVISORS  
WEDNESDAY, SEPTEMBER 17, 1997

MORNING SESSION - Convened in Closed Session at 9:15 a.m.

Meeting was called to order at 10:27 a.m.

Present: Supervisors Bill Horn, Chairman; Greg Cox, Vice Chairman; Dianne Jacob, Pam Slater and Ron Roberts; also Sandra Carter, Assistant Clerk.

Approval of Statement of Proceedings/Minutes for Meetings of August 6, 1997, and August 13, 1997.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Cox, the Board of Supervisors approved the minutes for the meetings of August 6, 1997, and August 13, 1997.

AYES: Cox, Jacob, Slater, Roberts, Horn

AFTERNOON SESSION - Reconvened at 2:00 p.m. Supervisors Horn, Chairman; Cox, Vice Chairman; Jacob, Slater and Roberts being present.

Statement/ Minute Order No.	Subject
1.	Reconsideration of the Board's Action of April 30, 1997 (7) Modification to Slope Criteria
2.	Formation of a Blue Ribbon Committee to Develop Strategies for Identifying Regional Funding of the Multiple Species Conservation Plan
3.	Expiration of Inactive Specific Plans in Accord with Board Policy I-59 Large Scale Project Review (Carryover Item from 7/16/97, Agenda No. 5)
4.	Noticed Public Hearing: General Plan Amendment (GPA) 97-CE, Changes to Circulation Element
5.	Request to Initiate Reversion to Acreage Proceedings on County of San Diego Tract 2971 (The Groves) Located in the Bonsall Sponsor Group Area
6.	Approve a Two-Year Extension of Time on Joint Lien Contracts, County of San Diego Tracts 3567-1, 3567-2, and 3567-3 (Crestridge) Located in the Crest Dehesa Planning Group Area

7. Appointments to the Planning and Environmental Review Board
8. Set Hearing for 10/8/97, 10:00 a.m.  
Sorge Open Space Vacation (VAC 97-006)
9. W. And S. Morris Road Vacation, VAC 97-007; (17) Estate Use Regulations, Bonsall Sponsor Group
10. Administrative Item:  
Continued Noticed Public Hearing:  
Approval of a Final Map of reversion to Acreage of County of San Diego Tract 4292-1, Map 12022, Located in the Lakeside Planning Group Area and Release of Existing Improvement Security  
(Carryover Item from 4/9/97, Agenda No. 6)
11. Application to the State of California for an Allocation of Mortgage Credit Certificates  
(Relates to Housing Authority Agenda No. 1)
12. Closed Session Items
13. Public Communication

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1    **SUBJECT:    Reconsideration of the Board's Action of April 30, 1997 (7)**  
                  **Modification to Slope Criteria**  
                  (Supv. Dist: All)

**ISSUE/REFERENCE:**

This is a request for the Board of Supervisors to reconsider its action of April 30, 1997 (7) directing staff to include with the Environmental Impact Report (EIR) an analysis of 40 percent slope criteria as an option for the definition of steep slopes.

On May 1, 1996, the Board of Supervisors authorized staff to revise the Resource Protection Ordinance. Instruction was also given to staff to report back to the Board on certain issues brought forward during the hearing process. One of the issues dealt with inclusion in the EIR an analysis addressing a 40 percent slope criteria as an option for defining steep slope.

On April 30, 1997, staff returned to the Board with a report on several items, including adding the 40 percent criteria into the EIR. The Board directed staff to include further analysis of 40 percent slopes as an option.

**FISCAL IMPACT:**

The recommendation will have no fiscal impact.

**RECOMMENDATION:**

**CHAIRMAN HORN AND SUPERVISOR JACOB:**

Direct staff to discontinue analysis of the 40 percent slope criteria option in the project description of the Environmental Impact Report.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Slater, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

2. **SUBJECT: Formation of a Blue Ribbon Committee to Develop Strategies for Identifying Regional Funding of the Multiple Species Conservation Plan**  
(Supv. Dist: All)

**ISSUE/REFERENCE:**

Should the Board of Supervisors appoint a Blue Ribbon Committee to explore local funding strategies for the Multiple Species Conservation Plan?

**RECOMMENDATIONS:**

**SUPERVISORS SLATER AND JACOB:**

1. Direct the Chief Administrative Officer to work with the City of San Diego to form a committee to be comprised of members representing the local jurisdictions, the business community, fiscal experts, the environmental community and staff representatives of elected officials to develop regional funding strategies and advise the Board of Supervisors on the strategy with the most potential for success.
2. Adopt the resolution confirming the benefit of continuing to study the Multiple Species Conservation Plan (MSCP) and all funding issues by establishing a blue ribbon committee.
3. Direct the Chief Administrative Officer to work with the Department of Planning and Land Use to coordinate with State officials and other interested parties to evaluate support for a state funding mechanism based upon a cycle of bond act measures which could provide long-term state funding support to the MSCP effort.
4. Support the concept of a Federally-funded revolving account which could provide long-term funding to the County of San Diego for acquisition of sensitive lands; and direct the Chief Administrative Officer to work with the Department of Planning and Land Use to coordinate with Federal officials and other interested parties to support a Federally-funded revolving account and to secure continued federal support the MSCP funding.

**ACTION:**

ON MOTION of Supervisor Slater, seconded by Supervisor Jacob, the Board of Supervisors took action as recommended, adopting Resolution 97-304, entitled, RESOLUTION OF THE BOARD OF SUPERVISORS ESTABLISHING A BLUE RIBBON COMMITTEE TO DEVELOP STRATEGIES FOR IDENTIFYING REGIONAL FUNDING OF THE MULTIPLE SPECIES CONSERVATION PLAN, and directed the Chief Administrative Officer to send a letter on behalf of the Board of Supervisors to the local delegation indicating the action taken and their support for the revolving account.

AYES: Cox, Jacob, Slater, Roberts

NOES: Horn

3. **SUBJECT:**    **Expiration of Inactive Specific Plans in Accord with Board Policy I-59 Large Scale Project Review**  
                          **(Carryover Item from 7/16/97, Agenda No. 5)**  
                          **(Supv. Dist: All)**

**DESCRIPTION:**

This is a report in accordance with Board Policy I-59 which calls for Specific Plans to expire eight years after their approval unless a Final Map is recorded or use in reliance is established for a Major Use Permit which implements all or a portion of the Specific Plan. This is a report regarding the status of Specific Plans in the last year of the eight year expiration time period.

On July 16, 1997 (5), your Board continued the matter to September 17, 1997, on Consent.

**RECOMMENDATION:**

**PLANNING COMMISSION:**

Consider the report on expiring Specific Plans and consider a policy change which would allow the Department of Planning and Land Use to process Zone Reclassifications on expired Specific Plans at the expense of the County.

**RECOMMENDATION:**

**DEPARTMENT OF PLANNING AND LAND USE:**

Note and file.

**ACTION:**

ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board of Supervisors agreed to continue with Board Policy I-59 as is, and directed the Chief Administrative Officer to return with a report on the cost of specifically addressing the Honey Springs project.

AYES: Cox, Jacob, Slater, Roberts, Horn

4. **SUBJECT: Noticed Public Hearing:  
General Plan Amendment (GPA) 97-CE, Changes to Circulation Element  
(Supv. Dist: 2)**

**DESCRIPTION:**

The proposed project consists of amendments to the Circulation Element of the County of San Diego General Plan. Within the community of Lakeside: SA 841 (Vine Street) between Woodside Avenue and Julian Avenue would be deleted as a Light Collector; and SF 731 (Woodside Avenue) would be extended as a Light Collector between Maine Avenue and Vine Street.

**RECOMMENDATION:**

**PLANNING COMMISSION:**

That the Board of Supervisors take the following action: Adopt the Final Resolution for GPA 97-CE (Attachment E).

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER:**

The Chief Administrative Officer concurs with the Planning Commission recommendation.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Jacob, the Board of Supervisors closed the Hearing and took action as recommended, adopting Resolution 97-305, entitled, A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) 97-CE, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

5. **SUBJECT: Request to Initiate Reversion to Acreage Proceedings on County of San Diego Tract 2971 (The Groves) Located in the Bonsall Sponsor Group Area  
(Supv. Dist: 5)**

**DESCRIPTION:**

This is a request to the Board to initiate, by motion, proceedings to revert County of San Diego Tract 2971-1 to acreage. This map contains 89 lots on 293.178 acres. It is located in the Bonsall area at the southwesterly corner of Olive Hill Road and Mission Road (State Route 76). (Thomas Guide, Page 1027, G-7, 1997 Edition)

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER:**

1. Direct the Chief Administrative Officer to initiate proceedings to revert County of San Diego Tract 2971-1 to acreage pursuant to Section 66499.12 of the Subdivision Map Act, in the event that the subdivider has not, on or before September 25, 1997, submitted an acceptable replacement secured agreement.
2. Direct the Chief Administrative Officer to return with sufficient information to enable the Board to make the necessary findings to revert to acreage County of San Diego Tract 2971-1 as required by Section 66499.16 of the Subdivision Map Act, if the replacement secured agreement is not submitted.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Jacob, the Board of Supervisors continued the matter to September 25, 1999, at the request of the Chief Administrative Officer, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

6. **SUBJECT: Approve a Two-Year Extension of Time on Joint Lien Contracts, County of San Diego Tracts 3567-1, 3567-2 and 3567-3, (Crestridge) Located in the Crest Dehesa Planning Group Area**  
(Supv. Dist: 2)

**DESCRIPTION:**

This is a request to extend the Joint Lien Contracts for County of San Diego Tracts 3567-1, 3567-2, and 3567-3. These projects contain a combined total of 92 lots on 420.83 acres. They are located in the Crest area north of La Cresta Road. (Thomas Guide, Page 1252, J-1, 1996 Edition)

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER:**

Grant an extension of time on the existing Joint Lien Contracts for a period of two years, ending September 25, 1999 on County of San Diego Tracts 3567-1, 3567-2 and 3567-3.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Jacob, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

7. **SUBJECT: Appointments to the Planning and Environmental Review Board**  
(Supv. Dist: All)

**ISSUE/REFERENCE:**

This is a request to make new appointments to the Planning and Environmental Review Board (PERB). This request is being made because of changes in personnel and assignments in the Department of Planning and Land Use (DPLU) and a retirement in the Department of Public Works (DPW).

**FISCAL IMPACT:**

No funding source is required. If approved, this request will result in no current year cost, no annual cost, and will require the addition of no staff years.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER:**

1. Appoint Rose Garduño, Regional Planner, to replace Dennis Verrilli as the First Alternate Member on the Planning and Environmental Review Board.
2. Appoint Nancy Whalen, Regional Planner, to replace Susan Porter as the Second Alternate Member on the Planning and Environmental Review Board.
3. Appoint Ralph Muñoz, Acting Principal Engineer, Land Development Section, to replace Gary Cane as the Second Alternate Public Works Member on the Planning and Environmental Review Board.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Jacob, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

8. **SUBJECT: Set Hearing for 10/8/97, 10:00 a.m.**  
**Sorge Open Space Vacation (VAC 97-006)**  
(Supv. Dist: 3)

**DESCRIPTION:**

This is a request to adopt the Form of Resolution of Intention to Vacate and set a date for a public hearing for the Vacation of an open space easement. This portion of the open space easement has been determined by Department of Planning and Land Use staff to have no significant resources.

**RECOMMENDATION:**

**DEPARTMENT OF PLANNING AND LAND USE:**

Adopt the Form of Resolution of Intention to Vacate (VAC 97-006). Set a public hearing for October 8, 1997.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Jacob, the Board of Supervisors took action as recommended, adopting Resolution 97-306, entitled, RESOLUTION OF INTENTION TO VACATE STREET, HIGHWAY, OR PUBLIC SERVICE EASEMENT, on Consent, setting the Hearing for October 8, 1997, 10:00 a.m.

AYES: Cox, Jacob, Slater, Roberts, Horn

9. **SUBJECT: W. and S. Morris Road Vacation, VAC 97-007; (17) Estate Use Regulations, Bonsall Sponsor Group (Supv. Dist: 5)**

**DESCRIPTION:**

This is a request to adopt the Resolution of Summary Vacation for an Irrevocable Offer of Dedication (IOD) for a portion of a Circulation Element (Via Puerta del Sol) which has been deleted.

A summary road vacation process may be utilized because the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

**RECOMMENDATION:**

**DEPARTMENT OF PLANNING AND LAND USE:**

1. Find that the termination of an IOD proposed is exempt from the provision of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA guidelines, because it is a Minor Alteration in Land Use Limitations in an area with an average slope of less than 20 percent and which does not result in changes in land use or density;
2. Find that the requested Vacation is consistent with the San Diego County General Plan;
3. Find that the subject IOD is not useful as a non-motorized transportation facility;
4. Find that there are no public utility facilities in place which would be affected by said Vacation or termination;
5. Find that the subject IOD is unnecessary for present or prospective use as a County street, highway or public service easement;
6. Vacating; and

7. Directing the Clerk of the Board of Supervisors to record this Resolution pursuant to Streets and Highways Code Section 8325.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Jacob, the Board of Supervisors took action as recommended, adopting Resolution 97-307, entitled, RESOLUTION OF SUMMARY VACATION OF STREET, HIGHWAY, OR PUBLIC SERVICE EASEMENT OR TERMINATION OF IRREVOCABLE OFFER OF DEDICATION, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

10. **SUBJECT: Administrative Item:**  
**Continued Noticed Public Hearing**  
**Approval of a Final Map of Reversion to Acreage of County of San Diego Tract 4292-1, Map 12022, Located in the Lakeside Planning Group Area and Release of Existing Improvement Security**  
**(Carryover Item from 4/9/97, Agenda No. 6)**  
**(Supv. Dist: 2)**

**DESCRIPTION:**

This project is a planned development consisting of 172 mobile home lots with a maximum of 327 dwelling units, one private street lot, five open space lots, and a total acreage of 40.89 acres.

It is located in the Moreno area on the westerly side of Highway 67, 1320' northerly from Willow Road. (Thomas Guide, Page 1232, A-1, 1997 Edition)

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER:**

1. Take final action in accordance with the tentative actions taken by your Board on April 9, 1997, as follows:
  - (a) Close the hearing to public testimony.
  - (b) Find in accordance with Section 66499.16(a) of the Subdivision Map Act that dedications or offers of dedication to be vacated or abandoned by the reversion to acreage (access rights from Lots 1 through 19 and Lot 176 in and to State Highway 67, the sewer easements and the open space easements on Lots 57, 111, 115, 135 and 177), are unnecessary for present or prospective public purposes.
  - (c) Find in accordance with Section 66499.16(b)(2) of the Subdivision Map Act that none of the improvements required to be made have been made within the time allowed by agreement for completion of improvements.
  - (d) Revert the subject subdivision to acreage.

2. Approve this map reverting the property to acreage, vacate and abandon the dedication of access rights from Lots 1 through 19 and Lot 176 in and to State Highway 67, the sewer easements and the open space easements on Lots 57, 111, 115, 135 and 177, all as shown on this map as vacated hereon.
3. Direct the Clerk of the Board to release the existing security issued by Golden Eagle Insurance Company.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Jacob, the Board of Supervisors closed the Hearing and took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

11. **SUBJECT: Application to the State of California for an Allocation of Mortgage Credit Certificates**  
(Supv. Dist: All)

**ISSUE/REFERENCE:**

This action requests approval for the County's participation in an application to the State of California for up to a \$65 million allocation of mortgage credit certificates for first-time homebuyers. If approved by the Board, this year end application request would be made in anticipation of the State releasing any funding that went unused during 1997. If the State approves any of the allocation request, it would be divided proportionately between the County and the fourteen cities who participate in the San Diego Regional Mortgage Credit Certificate Program. As the lead agency and applicant for the Regional Program, the County is required to hold on deposit a performance guarantee for each application equal to one percent of the amount requested, not to exceed a guarantee of \$100,000. The guarantee insures to the State that the applicant is prepared to issue mortgage credit certificates upon receipt of the allocation. The deposit guarantee is released by the State upon issuance of the first Mortgage Credit Certificate by the program.

**FISCAL IMPACT:**

Housing Authority of the County of San Diego funds have been budgeted to pay for the County's estimated portion of the operating costs of up to \$97,500, and for the County's portion of the State's performance deposit requirement of up to \$50,000. The temporary use of the \$100,000 for performance deposit requirement by the County will be removed upon the State's approval of an allocation of mortgage credit certificates. If approved, this request will result in no additional current year cost and no additional staff years. Estimated staff requirements for the County Department of Housing and Community Development to coordinate the program administration is currently budgeted at 1/8 staff year.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER:**

1. Approve the County's participation with the San Diego Regional Mortgage Credit Certificate Program in an application to the California Debt Limit Allocation Committee for an allocation of up to \$65 million in Mortgage Credit Certificates.
2. Authorize the Director of the Department of Housing and Community Development to submit a County application to the State of California for an allocation of Mortgage Credit Certificates for the San Diego Regional Mortgage Credit Certificate Program.
3. Approve and authorize the Director of the Department of Housing and Community Development to meet the State's performance guarantee requirement to receive an allocation of mortgage credit certificates. Each time the County applies to the State for an allocation of mortgage credit certificates, the County must certify that it has on deposit an amount equal to one percent of the allocation, not to exceed a deposit of \$100,000.

**ACTION:**

ON MOTION of Supervisor Roberts, seconded by Supervisor Jacob, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

(Relates to Housing Authority Agenda No. 1)

12. **SUBJECT: Closed Session Items**

- A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
San Elijo Ranch, Inc., et al. v. County of San Diego, et al.; Riverside County Superior Court No. 272265/Court of Appeals No. E019371
- B. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
San Elijo Ranch, Inc. v. County of San Diego, et al.; Superior Court No. 708616
- C. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9  
No. of potential cases 1
- D. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Jane Young v. County of San Diego; Superior Court No. 706773
- F. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Claim of Mr. and Mrs. Jesse Nunez; Claim No. 97081
- G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Ann Price, et al. v. County of San Diego, et al.; United States District Court No. 94-1917-R (AJB)
- H. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
United States v. Tennessee Air Pollution Board Court of Appeals, 6th Circuit
- I. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Coalition for Economic Equity, et al. v. Wilson, et al.; United States Court of Appeals for the Ninth Circuit, Nos. 97-15030, 97-15031 (Proposition 209)
- J. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Thomas C. Hughes, Jr. v. County of San Diego, et al.; USDC Case No. 95-0362-B(JFS)
- K. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Carden v. County of San Diego, et al.; SDSC No. 711414
- L. ANNUAL PERFORMANCE EVALUATION  
Title: Chief Administrative Officer

**ACTION:**

No reportable matters.

**SUBJECT: Public Communication:**

Race Paddock addresses the Board and thanks Supervisor Jacob for her support with Cuyamaca Recreation and Park District, and invites the Board of Supervisors to a picnic at the lake.

**ACTION:**

Heard and referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 4:12 p.m., and adjourned in memory of Larry E. Cajoon, Richard Skalak and Ernesto Azhocar.

THOMAS J. PASTUSZKA

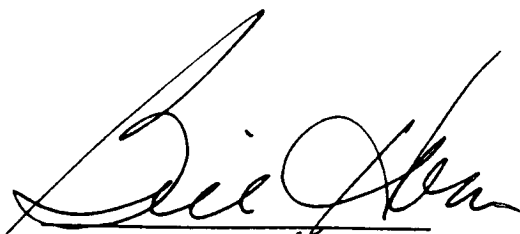
Clerk of the Board of Supervisors  
County of San Diego, State of California

Notes by:

Egan

NOTE: This Statement of Proceedings sets forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on Wednesday, October, 8, 1997.

A handwritten signature in black ink, appearing to read "Bill Horn", written over a horizontal line.

BILL HORN  
Chairman

Attest:

A handwritten signature in black ink, appearing to read "Thomas J. Pastuszka", written over a horizontal line.

THOMAS J. PASTUSZKA  
Clerk of the Board